

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM FIGUEROA,

Petitioner,

-against-

WILLIAM F. KEYSER,

Respondent.

20-CV-3216 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Petitioner, currently incarcerated in Sullivan Correctional Facility, brings this *pro se* emergency petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, seeking release from custody due to the extraordinary circumstances created by the COVID-19 pandemic. The Court denies the petition for the reasons set forth below.

Petitioner has previously submitted to this Court a substantially similar petition seeking emergency release from custody because of the COVID-19 pandemic. That case is pending before Judge John G. Koeltl of this Court under case number 20-CV-3013 (JGK). Because this petition raises the same claims, no useful purpose would be served by litigating this duplicate petition. Therefore, this petition is denied without prejudice to Petitioner's pending application under case number 20-CV-3013 (JGK).

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 24, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge